IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35633 of 2008
MASOOD ALAM
Versus
STATE OF BIHAR
With
Cr.Misc. No.34443 of 2008
FURKAN AHMAD
Versus
STATE OF BIHAR
----

2. 9.9.2008 Heard.

The two petitioners are named in the FIR. The *Bahnoie* of the informant was shot dead. The informant along with the wife of the deceased rushed to the hospital where the deceased was wreathing in pain and requested the informant to shift him to a bigger hospital before questioning about his killers. He was shifted into a hospital and so he narrated the names of the above named petitioners.

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The contention is that no one had seen the occurrence and no one except the informant supports it. The contention also is that what was the reason that the deceased was not telling the names of his assailants to the doctor, first attending on him or any person who was concerned with his treatment.

The FIR itself indicates the urgency and the sentiment of the deceased who required himself to be shifted to a hospital first as he had been hit by bullets.

Regard being had to the statements of the deceased and the names of the two killers dropping from his mouth, I am not inclined to direct the release of the above named two petitioners. Petitions are dismissed.

(Dharnidhar Jha, J.)

B.Kr.